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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,883	11/14/2003	Martin Robitaille		3948

7590 10/13/2005

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CANADA

EXAMINER

DONDERO, WILLIAM E

ART UNIT PAPER NUMBER

3654

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/712,883	Applicant(s) ROBITAILLE ET AL.	
	Examiner William E. Dondero	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-16 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>30 August 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

42

DETAILED ACTION

Claim Objections

Claim 12 is objected to because of the following informalities: a space should be inserted between "Claim" and "11" in line 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-3, 5-6, and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Welsh et al. Regarding Claim 2, Welsh et al. disclose a system for dispensing strip material 26 wound transversely (across the circumference) on a roll 10 and mounted for rotation about an axis 19 wherein said strip is lead around an idler roller 110, around said roll and again around said idler roller and then fed to other parts of a dispensing system, whereby fall off of said strip material from said roll is avoided (Figure 2). Regarding Claim 3, said axis 19 is horizontal (Figure 2). Regarding Claim 5, Welsh et al. disclose a system for dispensing strip material 26 wound transversely (across the circumference) on a roll 10 having two lateral portions (shown but not numbered) and a central portion (shown but not numbered) located between said lateral portions, said roll being further mounted for rotation about an axis 19 wherein said strip is lead around an idler roller 110, generally around said central portion of said roll and again around said idler roller and then fed to other parts of a dispensing system,

whereby fall off of said strip material from said roll is avoided by moving said strip away from one of said lateral portions (Figure 2). Regarding Claim 6, said axis 19 is horizontal (Figure 2). Regarding Claim 8, Welsh et al. disclose a system for dispensing strip material 26 having a first width and wound transversely (across the circumference) on a roll 10 having a second width larger than said first width said roll further having two lateral portions (shown but not numbered) and a central portion (shown but not numbered) located between said lateral portions, said roll being further mounted for rotation about an axis 19 wherein said strip is lead around an idler roller 110, generally around said central portion of said roll and again around said idler roller and then fed to other parts of a dispensing system, whereby fall off of said strip material from said roll is avoided by moving said strip away from one of said lateral portions (Figure 2). Regarding Claim 9, said axis 19 is horizontal (Figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welsh et al. Welsh et al. disclose a system for dispensing strip material wound transversely on a roll as discussed above in regards to claims 2-3, 5-6, and 8-9, respectively. Welsh et al. are silent about the strip material being reinforcing or tear tape. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use any variety of strip material, such as tear tape or reinforcing tape, in the device of Welsh et al. appropriate for the upstream device, such as machines for lamination or machines for seaming two pieces of a tent fabric, of the dispenser.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welsh et al. Regarding Claim 11, Welsh et al. disclose a system for dispensing strip material as discussed above in regards to Claims 1-2 with the roll 10 mounted for rotation about a first axis 19 and the idler roller 110 mounted for rotation along a second axis 20 parallel to said first axis (Figure 2). Welsh et al. are silent about the method of dispensing the strip material. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place an idler roller 110 along a second axis 20 parallel to said first axis 19, lead said strip material 26 around said idler roller 110, lead said strip material 26 around said roll 10, lead said material 26 again around the said idler roller 110 because these steps would result from the use of the device of Welsh et al. in its normal and expected fashion. Regarding Claim 12, Welsh et al. disclose the axes 19, 20 are horizontal (Figure 2).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Welsh et al. Welsh et al. disclose the method of dispensing a strip material as discussed above in regards to Claims 11-12. Welsh et al. are silent about the strip material being reinforcing or tear tape. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use any variety of strip material, such as tear tape or reinforcing tape, in the device of Welsh et al. appropriate for the upstream device, such

as for lamination machines or machines seaming two pieces of a tent fabric, of the dispenser.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welsh et al. Regarding Claim 14, Welsh et al. disclose a method for dispensing strip material as discussed above in regards to Claim 11. Further the roll 10 of Welsh et al. comprises two lateral portions (shown but not numbered) and a central portion (shown but not numbered) located between said two lateral portions (shown but not numbered) (Figure 2). Welsh et al. are silent about the further modifications to the step of leading said strip material around said roll. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to lead said strip material 26 generally around said central portion (shown but not numbered) of said roll because this step would result from the use of the device of Welsh et al. in its normal and expected fashion. Regarding Claim 15, Welsh et al. disclose the axes 19, 20 are horizontal (Figure 2).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Welsh et al. Welsh et al. disclose the method of dispensing a strip material as discussed above in regards to Claims 14-15. Welsh et al. are silent about the strip material being reinforcing or tear tape. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use any variety of strip material, such as tear tape or reinforcing tape, in the device of Welsh et al. appropriate for the upstream device, such as for lamination machines or machines seaming two pieces of a tent fabric, of the dispenser.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The claim amendments added the limitation of the strip material being wound again, more than once, around the idler roller to the previously filed claim necessitating the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-272-5590. The examiner can normally be reached on Monday through Friday 7:00 am to 4:30 pm.

Art Unit: 3654

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink that reads "Kathy Matecki". The signature is written in a cursive, flowing style.

**KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**